

The Daily Gazetteer.

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the Revolution further defended; with some Considerations upon Prerogative, particularly Mr. Locke's Notion of Prerogative.



THE Revolution, and the Settlement of the Crown, consequent upon it, are of such infinite Advantage to the People of England, that I can employ my Time no way so well, as by defending them against all the Attacks of their secret and open Enemies.

THE Attack upon the Revolution, at present, is from that vast Prerogative which the Crown possesses, and which must, it seems, swallow up all our Liberties and Properties, if not timely prevented: Strange indeed! that this little Pretender to Politicks, who now remains the sole Writer of the Craftsman, should presume to say this, when his great Master, the Author of the Dissertation on Parties, says directly in his Teeth, 'That, since the Revolution, our Constitution is no more a Mystery; the Power of the Crown is now exactly limited; the CHIMERA OF PREROGATIVE REMOVED; and the Rights of the Subject are no longer Problematical.' — A King of Great Britain is, strictly and properly, what Kings should always be: There are no longer any bidden Reserves of Authority, to be let out on Occasion to overflow the Rights and Privileges of the People: The Laws of England are known; and, they are the sole Springs from whence the Prince derives his Pretensions, and the People theirs.'

COULD any Man imagine after this, that a Writer in the Craftsman, who had the Gift of common Sense, should enter into a Dispute, whether all that mischievous kind of Prerogative, which occasioned such loud and just Complaints in former Times, was really abolished at the Revolution? Hath not the Author of the Dissertation asserted this as strongly as Mr. Osborne? Where is the Difference? One has said, there is now no Prerogative at all; and the other has affirmed, that the Chimera of Prerogative is removed.

BUT, whether this Author had said it or not, I have, in two late Papers, carried it beyond all Possibility of Contradiction, that all the mischievous kind of Prerogative formerly complain'd of, was actually set aside at the Revolution. Mr. D'Anvers, indeed, affirms, that the Prerogative remains upon the same foot as it did before the Revolution, excepting only those particular Points mentioned in the Bill of Rights: This is very true; but nothing to his Purpose; for if he had been honest enough to have recited, at large, those particular Points which were excepted by the Bill of Rights, the Reader would have clearly seen, that all the Prerogative complained of, that is, all the Prerogative besides or against Law, or against the Constitution, was removed at the Revolution. But these he passes over in profound Silence, and contents himself with retailing the present Rights of the Crown, and Mr. Locke's Notion of Prerogative.

ALL that mischievous kind of Prerogative, which rode triumphant over our Laws, which was destructive to our Liberties, and inconsistent with our Constitution, being thus abolished at the Revolution, was the Reason of my saying, in some former Papers, that the Crown had now no Prerogative at all; or, that the Chimera of Prerogative was removed, and that the King possessed only Legal Rights. This Proposition I will immediately further explain.

By Royal Power, or the Legal Rights of the Crown, I mean all those Powers which are consistent with our Constitution, and preservative of the Nature, End, and Design of a free Government; these Rights, which the Kings of England have possessed for Time immemorial, may be justly said to be Legal Rights, tho' not expressly made so by Act of Parliament; as the peculiar Rights and Privileges of either House of Parliament may be said to be Legal Rights, tho' not establish'd by any particular Statute: By the legal Rights of the Crown, therefore, are to be understand all those regal Powers which are consistent with our Laws, necessary to the Support of the Monarchy of England, and the Preservation of the Balance of the Constituent Powers of the Legislature.

BUT this is not what was meant, before the Revolution, by the Word Prerogative; nor were these the Powers that commonly passed under the Name of Prerogatives; for by Prerogative, was always meant certain Powers which the King of England possessed MORE THAN, OR, BESIDES THE LAW; OR, a Power inherent in the King to act without or against Law, just as he pleased, without being accountable to any Being but God for his Actions.

THIS was the Notion of Prerogative which Mr. Locke opposed, and not the legal Rights of the Crown, or that regal Power which was necessary to support the Monarchy, and keep it from falling into a real Democracy with only a nominal King at the Head of it. 'Tis plain, this must be his Meaning; for he wrote his Book in Defence of that legal Monarchy settled at the Revolution, and against that Arbitrary, Prerogative Government claimed and exercised, more or less, by all the Kings of England before the Revolution.

THIS is the Reason why, in his Definition of the Word Prerogative, he retains the same Sense in which it had always been used; and defines it to be, a Power of acting without or against Law; but then wisely throws in a Limitation, that this Power should never be exercised, but in Cases where the Law can't provide; nor ever employ'd, but for the Good of the People; so that Prerogative, according to him, is nothing but a Power of acting for the Good of the Publick, without a Rule.

By this Limitation of the old Definition of the Word Prerogative, he took all the Sting of it away, and left, properly speaking, no Prerogative at all, but that which every Subject possesses as truly as the King: for every Man, in case of publick Distress, has a Power or Prerogative to act for the publick Good without a Rule; and that famous Clothier of Newbury, who, upon an Invasion from the Scots, raised one hundred Men, clothed, armed, and maintained them at his own Expense, made use of his PREROGATIVE of acting for the publick Good without a Rule, and will be known upon our Signs to the latest Posterity, by the illustrious Name of JACK OF NEWBURY. It would really therefore make a Man laugh to see Mr. D'Anvers seriously quoting Mr. Locke about Prerogative in this Argument; for his whole Design was so to explain away the Word Prerogative, as to leave the King no Power of acting without or against Law, but in such Instances where every Man in England has the same Power or Right, indeed, arising from the Nature and Reason of Things. Mr. Locke then plainly designed by his Limitation of the old Definition of the Word Prerogative, to destroy the Thing, and leave the King no Powers but those which I called legal Rights.

THIS judicious Author had nothing in his Head when he wrote his Chapter of Prerogative, but opposing that wicked and senseless Notion of it which had universally obtained, which was, 'That our Kings had a Right to do what they pleased in the Government of the Kingdom, notwithstanding the Laws; that their Proclamations were Law; that Acts of State were Acts of Law; that 'twas legal in the King to dispense with Laws, and legal to raise Money upon the Subjects, or do any other Act of Power without Law, &c.'

THOSE were the Things which commonly passed under the Name of Prerogatives; and they were these mad Things which Mr. Locke wrote against, and not the legal Rights of the Crown, or those regal Powers, without which the Monarchy cannot be supported.

IF Mr. Locke had been alive, and seen what Use our profound Politician had made of his Discourse upon Prerogative, he would have considered him not above an Idiot; for he did not set up his Notion of Prerogative against those Rights of the Crown recited by Mr. D'Anvers, and which are necessary to preserve the Laws, but against those Notions of Prerogative which necessarily destroyed all the Laws, and put our limited Monarchy upon a Level with the most arbitrary Monarchy upon Earth.

By what hath been now said, Mr. D'Anvers may see what I mean by Prerogative, and what Mr. Locke meant by Prerogative. By Prerogative I mean all those regal Powers which are consistent with the Laws, and necessary to preserve the Balance between the constituent Parts of the Legislature; and this Prerogative I oppose to that mischievous kind of Prerogative abolished at the Revolution, which was inconsistent with our Laws, and which destroyed the Balance between the constituent Parts of the Legislature.

Legislature, by rendering all Parliaments as well as all Laws absolutely needless. This is the Reason why I had rather call the King's Powers legal Rights than Prerogatives; because that Word hath always been used in all ill Sense, and signified a Power of acting without and against Law, not in Mr. Locke's Sense, for the Good of the People, in Cases where the Law can't intervene, but even to the great Detriment of the People, in Cases where the Law can and do intervene.

THUS have I fairly and honestly defended the Revolution, by shewing, that all those mischievous Powers, which have commonly passed under the Name of Prerogatives, were actually set aside by the Bill of Rights; and that no Powers remain in the Crown, but what are necessary to the Support of the legal Monarchy of England, and the Balance of the constituent Powers of the Legislature.

F. OSBORNE.

To the DAILY GAZETTEER.

S. I. R.

I have often thought there was a great resemblance between the Characters of Julius Caesar, the perpetual Dictator of Rome, and our famous Countryman Oliver Cromwell, whose Pretensions to the Sovereign Power were the same, as well as the Means by which they destroyed the Commonwealths under which they served.

THEY were Members of the Senate, and led the Armies of the Republics of Britain and Rome, and improved the Ascendancy they had gained over the Soldier, to such a Degree, as to be able in the End to set up for themselves, and subvert the Liberties of their Country.

IT seems probable, that these great Men for a long time, intended nothing more than the being Generals for Life; and indeed they had such formidable Adversaries to contend with, that the resigning their Command must have been inevitably followed with their immediate Destruction.

IF Caesar had disbanded his Army, and come to Rome naked and defenceless, he must have fallen a Sacrifice to the Faction of Pompey, whose Intentions to destroy the Liberty of Rome were as much to be suspected, as those of his more successful Competitor, who was in a manner forced to take the Reins of the Government in his own Defence.

AND if Cromwell had not broke the Parliament, when they were treating with the King, they would certainly have broke him, and the Reward of all his Services, and the End of his Labours, would have been a Dismissal from the former, and a Halter from the latter.

IF Cromwell fought the Lord upon Extraordinary Occasions, and inspired his Troops with the Expectation of a supernatural Assistance, Julius Caesar did the same. The Immortal Gods were always in his Mouth, and in great Emergencies, he received Messages from Heaven by Dreams and Visions, assuring him of Success, which he constantly imparted to the Council of War, whenever he had a desperate Enemy to deal with.

CROMWELL, indeed, is charged by the Reverend Historian to have gone something further, and to have fought the Devil too for his Assistance at the Battle of Worcester, where the Odds were at least three to one of his Side, even supposing the old Craftsman to have been in the Country Interest.

IT would have look'd a great deal better to have inserted this memorable Contract at the Battle of Dunbar, when Cromwell was reduced to the last Extremity; or at any other Battle but this, where, after a vast deal of haggling Work, Satan limited the Usurper's Life and Reign to the Term of 7 Years, by Indenture on that Behalf made and provided.

NEITHER Caesar nor Cromwell had any Value for Money, any otherwise than to gain their Ends by it. Power and Greatness were the Idols they adored; and if their Titles had been as clear as their Qualifications to govern were, unquestionably they would have made a

Dr. Echard.



L O N D O N .

much better Figure in History, and have been rank'd among the best Princes of the Age in which they lived.

THEY were brave, generous, and merciful Lovers of Justice, and governed with great Temper and Moderation, unless in Cases where the Legality of their Power was concerned, and they had no other Choice but controuling the Law, or being overturned by it.

THESE favourite Point wherein they both miscarried, was the Attempt to assume the regal Power, and fix the Succession in their Families; the Oppression of the *Tarquins* and the *Stuarts* having rendered the very Name of a King disagreeable to the Genius of the two Nations.

THIS cost the Conqueror of the World his Life, who fell by the Sword of *Marcus Brutus* and his Party, in the Senate-house, the rest of the Senators looking on amazed, and not daring to stir to his Assistance.

He maintained the Reputation of his Bravery and Courage to the uttermost in this last Act of his Life, and defended himself a long Time against the Conspirators, who were Twenty-nine in Number, till seeing his much loved *Brutus* advance, and ready to sheathe his Dagger in his Bowels, he greatly asked him, *What! are you one of them? (Et tu Brute?)* then covered himself with his Mantle, and sunk by the Statue of *Pompey*, having lived, as he often used to say, long enough for Nature and for Glory. — *Satis ad naturam vel ad gloriam vixisse dixit Cæsar.*

THE Event did not answer the Expectation of those brave but mistaken Men, who thought to have restored the Commonwealth to its ancient Grandure; but failing in their Design, laid the Foundation of the Imperial Dignity in the Person of *Augustus*.

IT is a most injudicious Remark generally made, that the Vengeance of Heaven pursued the Conspirators, because all of them fell in Battle, or died by their own Hands. If the Success or Misfortune attendant on human Affairs, is a sure Criterion, by which we are to judge of the Approbation or Displeasure of Heaven, then the Overthrow of the Commonwealth by the Arms of *Cæsar*, and all the Successes which followed him until this last fatal Period, must be imputed to the former, as well as the tragical Catastrophe of his Enemies to the latter.

IT is not to be wondered at, that those who had imbrued their Hands in the Blood of *Cæsar*, and afterwards survived the Slaughter of the *Roman* People, should chuse to perish by their own Swords (rather than fall into the Hands of *Ottavius*, his Nephew and Successor, who would certainly have put them to Death), it being a Point of Honour with the ancient *Romans* for a brave Man to chuse his own Exit, and avoid the Ignominy of a publick Execution.

If *Cromwell* had not refused the Crown when it was offered him by the Parliament, he would have infallibly undergone the same Fate by the Hands of the Officers of the Army, which *Cæsar* received from the Senate.

To conclude, it must be acknowledged, without any Detraction from the Abilities of the former, that *Julius Cæsar* was the greater Man of the two; a Hero in the Field, a Statesman in the Cabinet, an Orator in the Senate, an Historian in his Closet, a fine Scholar, an accomplished Gentleman, beloved by his Friends, whom Nature formed, and Fortune gave to bear universal Sway.

Lincoln's Inn.

W M. PRYNN.

Dublin, June 12. Yesterday being the Anniversary of his Majesty's happy Accession to the Throne, when he entered into the 10th Year of his Reign, their Excellencies the Lords Justices received the Compliments of the Nobility and Gentry at Noon, when the great Guns were fired, and answered by the Regiments of Foot, and the Night concluded with ringing of Bells and other Rejoicings. — Sunday last died Edmund Malone, Esq; a worthy, ingenious Chamber Counsellor, who formerly practised as a Lawyer, and has left a great Fortune, and a fair Character. — On Tuesday died in the Barrack, Capt. Irwin, of Major General Moyle's Regiment of Foot; and Mr. Noah Regnault, Master of the Riding-house in our Castle. — On Wednesday died Mr. Wolf, Son to an eminent Merchant; as also the Rev. Dr. William Tidall, Rector of Belfast, and likewise Minister of Portadown, a Gentleman of an exceeding good Character, so that his Death is much lamented. The same Day Captain Irwin was interred very decently in the military Manner in St. Paul's Church. — The College of Physicians have appointed Dr. Gratton, Dr. Jemmett, Dr. Robinson, and Dr. Cope, to be Inspectors of Drugs for the ensuing Year.

Yesterday the Rev. Mr. Burton, M. A. Rector of Brackley in Northamptonshire, kissed her Majesty's Hand on his being appointed Chaplain of his Majesty's Tower of London, as also Chaplain to the Garrison thereof, in the room of the Rev. Mr. Hawkins lately deceased, a Living reckoned worth 300 l. per Annum.

Several Workmen and Labourers are employed in making and completing the new Road through Hyde Park to Kensington Palace, which will be entirely finished in about a Fortnight. And,

The old Road in the said Park is to be made into a Grafs Plat Way, purely for the Use of their Majesties and the Royal Family, when the Dust flies on the other Road.

Yesterday a Man was committed to the Gatehouse, Westminster, by Justice Manly, being charged with Sodomitical Practices.

A few Days since the Rev. Mr. Cooke was inducted into the Living of Edmunton, vacant by the Resignation of Mr. Washbourne on account of his great Age.

Yesterday Henry Coltman, of Southgate, junior, Esq; died of a Consumption in the 26th Year of his Age. He was an agreeable, temperate young Gentleman, an only Child, and Heir to a very considerable Estate: He is much lamented by his Friends and Acquaintance, and has left a Father and a Mother almost inconsolable for the Loss of him.

Yesterday Bank Stock was 149. India 177. South Sea 99 1-half to 3-8ths. Old Annuity 112 1-8th to 1-4th. New dito, 112 1-8th, for the Opening. Three per Cent. 104 5-8ths to 3-4ths, Books shut. Emperor's Loan 117 3-8ths to 1-half. Royal-Assurance 110, Books shut. London-Assurance 14 3-8ths to 1-half. York Buildings 2. African 14. India Bonds 61. 14s. to 16s. Prem. Three per Cent. ditto 5 l. 7s. Prem. South Sea Bonds 61. 2 s. Premium. New Bank Circulation 71. 5 s. Prem. Salt Tallies 4 to 6 1-half Prem. English Copper 21. 3 s. Welsh ditto, no Price. Three 1-half per Cent. Exchequer Orders 6 per Cent. Premium. Million Bank 115, Books shut.

This is to give Notice,

THAT the Commissioners appointed by Act of Parliament, for building a Bridge cross the River Thames, from the New Palace Yard in the City of Westminster, to the opposite Shore in the County of Surry, will meet at the Jerusalem Chamber at the Deany of Westminster, on Tuesday next the 22d Instant, at Ten o'Clock in the Forenoon, pursuant to the Directions of the said Act.

THE Managers and Directors of the Lottery appointed by an Act passed in the last Session of Parliament, for building a Bridge cross the River Thames from the New Palace Yard in the City of Westminster, to the opposite Shore in the County of Surry, do hereby give Notice, that they have, pursuant to the Directions of the said Act, appointed the Payments of the Contributors to the said Lottery to be made into the Bank of England, in the Proportions, and at the Times following, viz. Twenty Shillings on each Ticket to be paid at the Time of subscribing, for which Purpose Books will be opened the 30th of this Instant June, and continue so to the 2d of August following, unless the Subscription be compleated before that Time; Forty Shillings more to be paid on each Ticket on or before the 10th of September next, and the remaining Forty Shillings on or before the 1st of November following.

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